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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/341,324	07/09/1999	TADAHARU KOGA	SONYJP-3.3-0	4994
530	7590	11/18/2004	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			CONTEE, JOY KIMBERLY	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/341,324	Applicant(s) KOGA ET AL.	
	Examiner Joy K Contee	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49, 51, 52 and 54-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 18, 25 and 27 is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-17, 19-24, 26, 28-49, 51, 52 and 54-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>June 30, 2003</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 1-8,10-17,19-24,26,28-49,51,52 and 54-56 is withdrawn in view of the newly discovered reference to SSS. Rejections based on the newly cited reference follow.
2. Claims 9,18,25 and 27 remain allowed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 10, 11,14-20,23-25 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Saib et al. (Saib), U.S. Patent No. 6,230,322.

Regarding claims 10 and 11, Saib discloses a transmitting apparatus (and method for), comprising:

program broadcast material supplying means for supplying a video broadcast material composed of moving picture digital data and audio digital data corresponding thereto (col. 3, lines 49-51 and col. 4, line 63 to col. 5, line 30);

a plurality of audio channel material supplying means for supplying a plurality of audio broadcast materials of audio digital data (col. 2, lines 44-65 and col. 3, lines 49-51);

data supplying means for supplying digital data for an audio information screen corresponding to a transmitted audio broadcast (col. 3, lines 49-51 and col. 5, lines 1-15);

said digital data including interactive GUI data used to generate an interactive on-screen display to allow interaction between the user and the display (col. 3, lines 13-22);

multiplexing means (inherently multiplexes the received digital bit stream from an satellite) for multiplexing the moving picture digital data of the video broadcast, the audio digital data corresponding thereto, the audio digital data of the plurality of audio broadcasts, the digital data for the audio information screen corresponding to the transmitted audio broadcast, and the download audio data (col. 5, lines 38-44); and

transmitting means (reads on video and audio output provided via digital satellite system service provider) for transmitting the multiplexed data (col. 3, lines 49-51 and col. 5, lines 40-44).

Regarding claims 14-18, 23-25 and 27, Saib further discloses, in addition to the limitations of claims 10 and 11 as discussed above, data demultiplexing means (inherently demultiplexing is done within the demodulation process) for demultiplexing the multiplexed signal into the moving picture digital data of the video broadcast, the audio digital data corresponding thereto, the audio digital data of the plurality of audio broadcasts, and the digital data for the audio information screen corresponding to the transmitted audio broadcast (col. 3, lines 53-58); and means for selecting and audio broadcast of a music program corresponding to a music information selection command

that is input on the display screen through input means (col. 4, lines 65-67 to col. 5, line 15).

Regarding claims 19 and 20, Saib discloses a transmitting apparatus, comprising:

program broadcast material supplying means for supplying a video broadcast material composed of moving picture digital data and audio digital data corresponding thereto (col. 3, lines 49-51 and col. 4, line 63 to col. 5, line 30);

a plurality of audio channel material supplying means for supplying a plurality of audio

broadcast materials of audio digital data (col. 2, lines 44-65 and col. 3, lines 49-51);

data supplying means for supplying digital data for an audio information screen corresponding to a transmitted audio broadcast (col. 3, lines 49-51 and col. 5, lines 1-15);

download data supplying means (reads on decompressing compressed video and audio output) for supplying download audio data compressed corresponding to a predetermined compressing format (col. 5, lines 33-37);

multiplexing means (inherently multiplexes the received digital bit stream from an satellite) for multiplexing the moving picture digital data of the video broadcast, the audio digital data corresponding thereto, the audio digital data of the plurality of audio broadcasts, the digital data for the audio information screen corresponding to the transmitted audio broadcast, and the download audio data (col. 5, lines 38-44); and

transmitting means (reads on video and audio output provided via digital satellite system service provider) for transmitting the multiplexed data (col. 3, lines 49-51 and col. 5, lines 40-44).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8,12-13,21,22,26,28-49,51,52,54 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knox , U.S. Patent No. 6,757,913, in view of Saib et al., (Saib), U.S. Patent No. 6,230,322,both previously used in office action mailed March 31, 2003.

Regarding claims 1-8,12-13,21,22,26,28-49,51,52,54 and 56 Knox discloses a transmitting apparatus/method, an information editing apparatus/method, a receiving apparatus/method, an information storing apparatus/method, a broadcasting system/method), comprising:

a plurality of audio channel material supplying means for supplying a plurality of audio broadcast materials of audio digital data (col. 2, line 66 to col. 3, line 13 and col. 5, lines 3-34);

data supplying means for supplying digital data for an audio information screen (e.g., see the receiver portion of the system in Fig. 3) corresponding to transmitted audio broadcast (col. 4, lines 10-15 and see Fig. 3);

download audio data supplying means (reads on demultiplexing, decrypting and decoding the digital audio signal and program information) for supplying download audio data compressed in a predetermined compressing format (col. 5, lines 3-7);

multiplexing means (reads on modulating means coupled to the input means for modulating the carrier signals) for multiplexing the audio digital data of the plurality of audio broadcasts, the digital data for the audio information screen corresponding to the transmitted audio broadcast, and the download audio data (col. 4, lines 11-33 and col. 5, lines 7-11); and

transmitting means for transmitting the multiplexed data (col. 4, lines 10-15 and col. 5, lines 11-15).

Knox fails to explicitly disclose digital data including interactive GUI data used to generate an interactive on-screen display to allow interaction between the user and the display.

In a similar field of endeavor, Saib discloses digital data including interactive GUI data used to generate an interactive on-screen display to allow interaction between the user and the display (col. 3, lines 13-22).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Knox to include interact GUI data for the purpose of allowing the subscriber to make selective actions with respect to the audio channel material.

Regarding claims 5 and 6, Knox discloses in addition to the limitations of claims 1 and 2, as discussed above, data demultiplexing means for demultiplexing the multiplexed signal into the audio digital data of the plurality of audio broadcasts, the

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digital data for the audio information screen corresponding to the transmitted audio broadcast, and the download audio data compressed in the predetermined format (col. 4, lines 1-15 and col. 5, lines 35-40); and means for selecting an audio broadcast of a music program corresponding to a music information selection command that is input on the display screen through input means (col. 7, line 63 to col. 8, line 14).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Knox to include interact GUI data for the purpose of allowing the subscriber to make selective actions with respect to the audio channel material.

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Conclusion

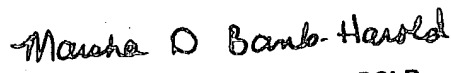
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K Contee whose telephone number is 703-308-0149. The examiner can normally be reached on M (alternating), T & Th, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703-305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joy K Contee

November 13, 2004


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